

EXHIBIT 1

FILED

Insert name of court branch court if any and mailing address SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		FOR COURT USE ONLY OCT 8 1982 CLERK MEYER MARIN COUNTY CLERK <i>[Signature]</i> DEPUTY	
PEOPLE OF THE STATE OF CALIFORNIA			
DEFENDANT: FIKRI BAYRAMOGLU	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present		
<input type="checkbox"/> JUDGMENT OF COMMITMENT TO: <input type="checkbox"/> ORDER GRANTING PROBATION		<input checked="" type="checkbox"/> STATE PRISON <input type="checkbox"/> COUNTY JAIL <input checked="" type="checkbox"/> AND MINUTE ORDER	
		CASE NUMBER 8215	
Date of hearing 10-5-82	Dept. No FIVE	Judge E.W. MC GUIRE	Clerk S. HAENGGI
Counsel for People PETE EVANS, DEPUTY DA		Counsel for defendant MARK DAVIS, DEPUTY PD	
		Reporter L MILLER	
		Probation Officer RICHARD HOWELL, DEPUTY PO	

1 Defendant was convicted of the commission of the following crime on Date:
 Count Code Section Crime Degree By Jury Court or Plea (Specify)
 1 187PC MURDER 2ND JURY

2 Defendant ☐ was arraigned ☒ waived arraignment for judgment.
 3 The court having read and considered the probation report and no legal cause having been shown why judgment should not be pronounced

- a ☒ Sentences defendant to State Prison for the term prescribed by law **FIFTEEN YEARS TO LIFE**
 b ☐ Specifies pursuant to Pen. C. 1202b the minimum term of imprisonment shall be six months as to count
 c ☐ Sentences defendant to County Jail for the period of (Specify number of days)
 d ☐ Suspends imposition of sentence and defendant is placed on probation for the period of ☐ upon conditions set forth in attachment 3d

4 ☐ Defendant convicted of more than one count shall

- a ☐ serve the sentence as to each count as follows

Count Consecutive With

b ☐ serve the counts made consecutive in the following order

5 Defendant shall serve this sentence with respect to any prior uncompleted sentence a ☐ concurrently b ☐ consecutively
 c ☐ as set forth below or in attachment 5c

6 Execution of sentence is

- a ☐ stayed on the following count: pending appeal, with the stay to become permanent
 when the sentence is completed as to count:
 b ☐ suspended and defendant is placed on probation for the period of ☐ upon conditions set forth in attachment 6b

7 ☐ No allegation to enhance punishment was made in count

8 ☐ It was alleged

- a ☐ Defendant was armed with a deadly weapon at the time of the commission or attempted commission of the crime charged in count: ☐ and allegation stricken as to count

(Continued on reverse side)

This form satisfies the requirements of Penal Code 1213.5 (Abstract of Judgment and Commitment). Singular includes the plural. This form is to be used in judgments other than death. A copy of probation report shall accompany this form pursuant to Penal Code 1203c and a copy of any supplementary probation report shall be transmitted to the Department of Corrections. Attachments may be used but must be incorporated by reference.

Form Approved by the
 Judicial Council of California
 Effective July 1, 1976

JUDGMENT-COMMITMENT

Pen C 644 959c 959d 1203 1213 5
 3024 12022 12022 5

3110-24

- b ☐ Defendant used a firearm in count 12 and allegation stricken as to count 12
- c ☐ Defendant was armed at the time of arrest with a concealed deadly weapon within the meaning of Pen. C. 3024 ☐ and allegation stricken.
- d ☐ Other (Specify and indicate if stricken)
- 9 ☒ The Court finds the defendant
- a ☒ was armed at the time of commission or attempted commission of the crime with a deadly weapon within the meaning of
- (1) ☐ Pen C. 3024 as to count 1 ☐ but strikes the finding as to count.
- (2) ☐ Pen C. 12022 as to count 1 ☐ but strikes the finding as to count.
- (3) ☒ Pen C. 1203 (Specify weapon) 1203.06(a)(1) PC -32 caliber revolver as to count 1 ☐ but strikes the finding as to count.
- b ☐ was not armed at the time of commission or attempted commission of the crime within the meaning of
- (1) ☐ Pen C. 3024 as to count
- (2) ☐ Pen C. 12022 as to count
- (3) ☐ Pen C. 1203 as to count
- c ☒ did use a firearm as to count 1 -12022.5PC ☒ but strikes the finding as to count. 1
- (1) ☐ The use was one use for the following counts 1 The additional penalty shall run consecutively to the sentence on the last count to be served
- d ☐ did not use a firearm as to count
- e ☐ was armed at the time of arrest with a concealed deadly weapon within the meaning of Pen. C. 3024 ☐ but strikes the finding
- f ☐ was not armed at the time of arrest with a concealed deadly weapon within the meaning of Pen. C. 3024.
- g ☐ Other (Specify and indicate if stricken)

10. ☐ Prior convictions which affect defendant's sentence were alleged and disposed of ☐ as follows ☐ as set forth in attachment 10
- | Conviction date | Jurisdiction | Crime and Pen. Section | Applies to Count | Disposition |
|-----------------|--------------|------------------------|------------------|-------------|
|-----------------|--------------|------------------------|------------------|-------------|

11. The court finds defendant a ☐ is ☐ is not an habitual criminal Pen C. 644a
- b ☐ is ☐ is not an habitual criminal Pen C. 644b
12. The court pronounced sentence on (Date) 10-5-82 Defendant was held in custody, through and including the date of pronouncement of sentence for (Total no. of days) 1,350 as follows
- | Count | Time other than Dept. of Corrections | Dept. of Corrections Time |
|----------|--------------------------------------|---------------------------|
| <u>1</u> | <u>1,350</u> | |

13. Defendant is remanded to the custody of the Sheriff
- a. ☐ For the period of (Specify no. of days) ☐ upon condition and recommendations set forth in attachment 13a
- b. ☒ To be delivered ☒ at the earliest convenient time ☐ after 10-5-82, excluding Saturdays, Sundays and holidays
- (Pen C. 1203c) into the custody of the Director of Corrections at
- (1) ☐ California Institution for Women—Frontera (3) ☐ California Institution for Men—Chino
- (2) ☒ California Men's Facility—Vacaville (4) ☐
14. ☐ The court requests a copy of the diagnostic study and recommendations as required in Pen C. 1168.
15. The court advised defendant of all appeal rights as required in CRC Rule 250 and defendant acknowledged understanding them
16. ☐ Other (See attachment 16)

Dated: OCTOBER 7, 1982

(Type or print name)

TOTAL NO. of boxes checked:

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original on file in my office of the superior Court

[Seal]

By _____ Deputy

EXHIBIT 2

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration) CDC Number C-54604
Hearing of:)
FIKRI BAYRAMOGLU)
_____)

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

OCTOBER 25, 2006

PANEL PRESENT:

James Davis, Presiding Commissioner
Noreen Blonien, Deputy Commissioner
Janice Eng, Commissioner, Observing

OTHERS PRESENT:

Peter Ferguson, Attorney for Inmate
Kathryn Mitchell, Deputy District Attorney, Marin
County (Via Telephone Conference)
Brian Weigelt, Correctional Officer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

C. M. Lopez, Northern California Court Reporters

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P R O C E E D I N G S

DEPUTY COMMISSIONER BLONIEN: We are on record.

PRESIDING COMMISSIONER DAVIS: All right. This is a subsequent parole consideration hearing for Fikri Bayramoglu. Today's date is October 25th, 2006. We are located at the Correctional Training Facility at Soledad. The inmate was received on 10/12/82 from Marin County for murder second, Case Number 8215, with a life term beginning on 10/12/82, with a total term of 15 years to life and a minimum eligible parole date of April 19th, 1990. And the -- this hearing is being tape recorded; so for purposes of voice identification, we'll each state our first and last name, spelling the last name. I'll start and move to my left; and, Ms. Mitchell, we will have you read in last. Well, I'll start with my left [verbatim]. I'm James Davis, D-a-v-i-s; Commissioner.

DEPUTY COMMISSIONER BLONIEN: I'm Noreen Blonien, B-l-o-n-i-e-n; I'm a Deputy Commissioner.

ATTORNEY FERGUSON: Peter Ferguson, F-e-r-g-u-s-o-n; counsel for the inmate.

COMMISSIONER ENG: Janice Eng, E-n-g;

1 Commissioner, observing.

2 **PRESIDING COMMISSIONER DAVIS:** All right,
3 Ms. Mitchell, you are next.

4 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Yes.
5 Kathryn Mitchell, M-i-t-c-h-e-l-l; Marin County
6 District Attorney's Office.

7 **PRESIDING COMMISSIONER DAVIS:** And for the
8 record, Ms. Mitchell joins us by telephone
9 conference at the request of the Board, and the
10 Marin County District Attorney's Office has made
11 an exceptional effort to be with us today to help
12 -- help us with some calendar issues. So, Ms.
13 Mitchell, I want to officially recognize you for
14 that effort. Thank you very much.

15 **DEPUTY DISTRICT ATTORNEY MITCHELL:** You're
16 welcome.

17 **PRESIDING COMMISSIONER DAVIS:** All right.
18 And the record should note also that Mr.
19 Bayramoglu is not here with us today by his own
20 choice, and we will have one of the correctional
21 officers here with us in a little bit to explain
22 that further, but it is something that he has
23 indicated by his own choice. He does not wish to
24 be here. And, Counsel, I believe you had some
25 contact with him as well?

26 **ATTORNEY FERGUSON:** I did. I was here at
27 the facility approximately a month ago for the

1 purpose of interviewing the inmate, and he
2 refused to meet with me. He had corresponded
3 with me, though, on two different occasions and
4 indicated his desire not to attend today.

5 **PRESIDING COMMISSIONER DAVIS:** All right.
6 Very well. You have the letters in that regard?

7 **ATTORNEY FERGUSON:** I do, but they're
8 actually conspicuously stamped as being
9 attorney/client confidential [inaudible]--

10 **PRESIDING COMMISSIONER DAVIS:**
11 [inaudible], yeah. Okay.

12 **ATTORNEY FERGUSON:** I can express to the
13 Board the essence of the letters though.

14 **PRESIDING COMMISSIONER DAVIS:** All right,
15 very well. Thank you. And for the record, I
16 should repeat that on -- it's not dated,
17 unfortunately -- [inaudible] 1073 Form that it
18 indicates under Inmate's Signature, it says,
19 "Refused to sign"; but there are no disabilities
20 identified as being [inaudible] to the Americans
21 with Disabilities Act. And, Counsel, in your
22 contact with the inmate, have you ever noticed
23 anything that might preclude him from either
24 being here at the hearing or making the
25 appropriate conscious decision not to attend?

26 **ATTORNEY FERGUSON:** No, sir.

27 **PRESIDING COMMISSIONER DAVIS:** Okay. And

1 I know you're not a mental health professional by
2 any means, but -- I don't think you are.

3 **ATTORNEY FERGUSON:** I do, actually, have a
4 background working in mental health. But the
5 assessment of my communications with him is that
6 he is quite intelligent; but reading between the
7 lines, it seems as if he is, perhaps, a little --
8 not delusional, but his judgment, I would say, is
9 impaired in terms of how he's perceiving his
10 predicament and what he can do to enhance his
11 situation.

12 **PRESIDING COMMISSIONER DAVIS:** [inaudible]
13 that this is a conscious choice on his part?

14 **INMATE BAYRAMOGLU:** I do.

15 **PRESIDING COMMISSIONER DAVIS:** All right,
16 thank you. All right then, this hearing will be
17 conducted pursuant to Penal Code Sections 3041
18 and 3042 and the Rules and Regulations of the
19 Board of Prison Terms governing parole
20 consideration hearings for life inmates. The
21 purpose of today's hearing is to, once again,
22 consider the number and nature of the crimes for
23 which the inmate was committed, his prior
24 criminal and social history, and his behavior and
25 programming since his commitment. We have had
26 the opportunity to review his Central File and
27 his prior hearing transcripts, and he will be --

1 he would have been -- given an opportunity to
2 correct or clarify the record; however, he can do
3 that by written form when he receives his
4 transcript if he so chooses. We will reach a
5 decision today and inform you whether or not we
6 find him suitable for parole and the reasons for
7 our decision. If he is found suitable for
8 parole, the length of his confinement would be
9 explained to him. Nothing that happens here
10 today would change the findings of the court.
11 The panel is not here to retry his case. We are
12 here for the sole purpose of determining his
13 suitability for parole. This hearing will be
14 conducted in effectively two phases. First I
15 review the crimes for which he was committed, as
16 well as his prior criminal and social history.
17 Then Commissioner Blonien will review his
18 progress since his commitment, his counselor's
19 report, psychological evaluations, parole plans,
20 and any letters of support or opposition as they
21 may exist. There will be no questioning, of
22 course, as Mr. -- the inmate -- is not here with
23 us. The defense attorney will, of course, be
24 offered the opportunity for a final closing
25 statement as -- and then followed by that, the
26 District Attorney's final closing statement. The
27 California Code of Regulations states that

1 regardless of time served, a life inmate shall be
2 found unsuitable for and denied parole if in the
3 judgment of the panel the inmate would pose an
4 unreasonable risk of danger to society if
5 released from prison. The inmate has certain
6 rights. Those rights include the right to a
7 timely notice of this hearing, the right to
8 review his Central File, and the right to present
9 relevant documents. Counsel, are you satisfied
10 that your client's rights have been met today?

11 **ATTORNEY FERGUSON:** Yes, sir.

12 **PRESIDING COMMISSIONER DAVIS:** And he also
13 has an additional right to an impartial panel.
14 Counsel, are you satisfied that this panel can be
15 impartial?

16 **ATTORNEY FERGUSON:** Yes, I am.

17 **PRESIDING COMMISSIONER DAVIS:** He will
18 receive a written copy of our tentative Decision
19 today. That decision becomes effective within
20 120 days, and a copy of the Decision and a copy
21 of the transcript will be sent to him. Should he
22 have any concerns with that, the Board has
23 eliminated its appeals process, but he would have
24 the right to go directly to court with his
25 concern. And just emphasizing, again this panel
26 does accept the findings of the court to be true.
27 Commissioner, are we going to be dealing with

1 anything from a confidential file today?

2 **DEPUTY COMMISSIONER BLONIEN:** There is
3 information in the confidential file which we may
4 be using today.

5 **PRESIDING COMMISSIONER DAVIS:** All right.
6 Should we use any of that confidential file in
7 our decision, that will be announced at the time
8 that the decision is rendered. And I have passed
9 a checklist of documents to counsel here in the
10 room. Does the District Attorney also have a
11 checklist at your end?

12 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Yes, I
13 do.

14 **PRESIDING COMMISSIONER DAVIS:** All right,
15 very well. And you're satisfied that you have
16 the appropriate documents to proceed today?

17 **ATTORNEY FERGUSON:** I have a psychological
18 report. The one that I have is dated 2002. I
19 just wanted to make sure that there's not a more
20 current one that I haven't been provided with.

21 **PRESIDING COMMISSIONER DAVIS:** I don't
22 believe so. Commissioner, do you --

23 **DEPUTY COMMISSIONER BLONIEN:** I don't have
24 one --

25 **PRESIDING COMMISSIONER DAVIS:** I think
26 that is the latest.

27 **DEPUTY COMMISSIONER BLONIEN:** I looked

1 through the file and --

2 **ATTORNEY FERGUSON:** [inaudible] didn't
3 receive it, [inaudible].

4 **PRESIDING COMMISSIONER DAVIS:** Are there
5 any additional documents, Counsel, you'd like to
6 present today?

7 **ATTORNEY FERGUSON:** No, sir.

8 **PRESIDING COMMISSIONER DAVIS:** Any
9 preliminary objections?

10 **ATTORNEY FERGUSON:** Not at this time.

11 **PRESIDING COMMISSIONER DAVIS:** Very well
12 then. For a review of the crime, I'm going to be
13 referring to the Life Prisoner Evaluation dated
14 July 24th, 1995, where it states under Offense
15 Summary:

16 "On April 17th, 1980, at
17 approximately 9:15 p.m., police
18 officers responded to a call from
19 United Liquors on 4th Street in San
20 Rafael and observed Fikri Bayramoglu
21 lying on the floor of the store
22 covered in blood. Bayramoglu told
23 the officers, quote, 'I killed my
24 girlfriend. God, I killed my
25 girlfriend,' closed quotes.
26 Officers checked the surrounding
27 area and observed small spots of

1 blood which formed a path of travel
2 to 1565 4th Street. The officers
3 followed the path of blood to
4 Apartment Number 7 and found the
5 door partially open. The officers
6 looked inside and observed a white
7 female who was nude lying on her
8 back just inside the doorway. The
9 officers could detect no signs of
10 life from the female who was later
11 identified as Tracy Lee Jones,
12 J-o-n-e-s. The officers noted that
13 Jones had suffered several bullet
14 wounds to the upper chest portion of
15 her body. The officers also
16 observed a wooden handled six-inch
17 knife on the floor near Jones' right
18 elbow. The knife appeared to have
19 blood on it. At about 9:30 p.m., an
20 ambulance left United Liquors, and
21 Bayramoglu was taken to the
22 emergency room at Marin General
23 Hospital. A police officer was
24 assigned to accompany Bayramoglu to
25 the hospital, and he noted that the
26 suspect appeared to be suffering
27 from a puncture wound to the upper

1 chest area. Other puncture wounds
2 were noted in the lower right side
3 of his abdomen, six wounds in all.
4 As the suspect was being placed in
5 the ambulance, he asked several
6 times, quote, 'What about Tracy? Is
7 she dead?' closed quotes. He then
8 stated, quote, 'I killed my
9 girlfriend. Please let me die. I
10 stabbed myself in the heart
11 [inaudible] die,' closed quotes.
12 The officer noted that Bayramoglu
13 pleaded with the attending
14 paramedics to let him die. While at
15 the hospital, the suspect stated,
16 quote, 'Three times I shot her, so I
17 have two bullets to kill myself,'
18 closed quotes. A few hours later
19 while still at Marin General
20 Hospital, Bayramoglu awoke and
21 stated to a San Rafael Fire
22 Department paramedic that he stabbed
23 himself and attempted to kill
24 himself by plunging a steak knife
25 into his chest in the area of his
26 heart and then he twisted the knife
27 around inside his body. On April

1 17th, 1980, at approximately 11:40
2 p.m., San Rafael police officers
3 interviewed the suspect at the
4 intensive care unit of Ross General
5 Hospital. The suspect stated, in
6 part, quote, 'I deserve to get
7 killed. That's what I'm saying.
8 You are recording it. Go ahead. I
9 deserve to get killed off. I killed
10 somebody. I want to die with her.
11 I deserve to get killed. That's all
12 there is to it,' closed quotes."

13 And the source document -- this was the
14 Probation Officer's Report dated 10/5 of 1982.
15 In terms of prior convictions, the prisoner has
16 no juvenile record, and the commitment offense is
17 the only adult conviction. In terms of personal
18 factors, the prisoner was born in Istanbul,
19 Turkey, on December 12th, 1948. His parents
20 remained united, and the prisoner is the third of
21 five children. His father has worked all of his
22 life as a contractor, and his mother is a
23 housewife. The prisoner described his childhood
24 as being normal and happy. None of his family
25 members had ever been arrested. The prisoner
26 attended school in Turkey until approximately the
27 age of 13 or 14, and then he went to work for his

1 father. The prisoner was then drafted into the
2 Turkish army for two years. After he discharged
3 from the army, he worked for a glass repair
4 company. In addition to working for his father,
5 the prisoner also drove taxis during his spare
6 time. In 1973, the prisoner immigrated to the
7 United States. While in the United States, the
8 prisoner worked sporadically as a house painter.
9 The prisoner had never married. After
10 immigrating to the United States, the prisoner
11 dated several women, but none of the
12 relationships could be described as serious. The
13 prisoner then met and fell in love with Tracy Lee
14 Jones, and he lived with the victim for
15 approximately two years before the instant
16 offense. The prisoner's overall health is good.
17 He does suffer from peptic ulcers which flare up
18 from time to time. Due to his ulcers, he does
19 not consume much alcohol. When he arrived in
20 Turkey -- or excuse me -- when he lived in Turkey
21 -- he did not use any illicit drugs. After
22 moving to the United States, he started smoking
23 marijuana quite heavily. Prior to the commitment
24 offense, the prisoner was suspected -- was
25 spending -- about forty dollars a day on
26 marijuana. The prisoner had also smoked
27 marijuana on the day of the commitment offense.

13

1 He has not used any other illicit drugs other
2 than marijuana. When the prisoner immigrated to
3 the United States, he converted from being a
4 Muslim to a Fundamentalist Christian.
5 Psychiatrist, Dr. Joseph Gutspadt [phonetic], G-
6 u-d-s-p-a-d- [inaudible], prepared a report for
7 the court dated 4/13/82 and stated that the
8 prisoner was described as being almost
9 [inaudible] in his devotion and in his obsessive
10 adherence to the Bible and his preoccupation with
11 it and, quote, 'The word of God,' closed quotes."
12 All right, Commissioner? I turn this over to
13 you.

14 **DEPUTY COMMISSIONER BLONIEN:** The inmate
15 last appeared before the Board on 9/16/2-0-2
16 [verbatim]. The decision was a four-year denial.
17 The panel recommended that the inmate become and
18 remain disciplinary free, upgrade vocationally
19 and educationally, and participate in self-help
20 and therapy. This is his sixth subsequent
21 hearing. The inmate [inaudible] this report or
22 review his C-File and updated the counselor's
23 report by Counselor Peabody dated 08/02 and the
24 psych report by Dr. Carswell, C-a-r-s-w-e-l-l,
25 dated 5/17/02. The inmate's current custody
26 level is Medium A, and his Classification Score
27 is 19. On 7/27/06, he was afforded the

1 opportunity to review his C-File and he declined
2 that opportunity. Since his last hearing, he has
3 been unassigned from his PIA Textiles job on
4 8/7/02 and has no current work. There is no --
5 not any chronos in the file as to any programs
6 that he's participated in. He does have 13 115s.
7 The last one was prior to his last hearing, so he
8 has been disciplinary free since his last
9 hearing. The last 115 was 6/12/02 for refusing
10 to report for work; and it was after that, and
11 reviewing his supervisor's chronos that showed
12 satisfactory to below-average work, that he was
13 reassigned from PIA [inaudible] on August 7th,
14 '02. He also has 13 128s, and the last one was
15 on 6/20/02, for being hostile and argumentative.
16 And looking at his psych report, it should be
17 noted that Dr. Carswell, under Current Diagnostic
18 Impressions, gives No Clinical -- No Contributory
19 Clinical Disorders. Under Axis II, he notes a
20 Personality Disorder, Not Otherwise Specified,
21 with Anti-Social Dependent and Grandiose
22 Features. Under Axis III, No Contributory
23 Physical Disorders and gives him a Global
24 Assessment of Functioning score of 75. "In
25 talking with the inmate about his commitment
26 offense, the inmate is very illustrative in his
27 psychological process. He does not talk about

1 the victim; he talks about himself. He states,
2 'I was never typical criminal. This tragic event
3 happened under the extreme severely psychotic
4 depression that I was suffering. It was so
5 devastating, after she broke up with me, I could
6 not go on. I had nothing to live for. I am so
7 deeply sorry.' The inmate was sorry about
8 killing the victim, his former girlfriend;
9 however, one can also see he does not assume
10 responsibility, so he is not assuming
11 responsibility in a truly remorseful way. The
12 inmate states that he is sorry about this
13 happening, but he also doesn't see how his
14 behavior or his issues play a part." Under the
15 Assessment of Dangerousness, Dr. Carswell goes on
16 to say, "In terms of risk assessment, things
17 appear to happen around this inmate quite
18 frequently. In other areas of his medical file
19 in another context, this inmate states that he
20 needs to be single-celled because he does not do
21 well living with a cellmate. Therefore, there
22 are other areas where the inmate himself states
23 that he is at above-average risk for violence.
24 He is responsible for his own behavior; however,
25 he has accrued several 115s. He does not appear
26 to be above or below risk for violence compared
27 to any other Level II inmates. Within the

1 community, the risk factors for violence in this
2 inmate is unknown. Several factors exist which
3 would show that in a community setting, his risk
4 for violence would be higher than that of the
5 average citizen, mainly due to his lack of
6 assuming responsibility and a lack of true
7 remorse for his commitment offense. A
8 significant precursor which could lead to
9 violence for this inmate would be the continued
10 denial of any responsibility for this crime and
11 continuing along that mindset. Inmate denies any
12 alcohol or drug problems, but a return to any
13 substance abuse or mind-altering chemicals
14 [inaudible] return to any type of criminal
15 activity that increase the precursors to return
16 to a violent action. Under Parole Plans, it
17 should be noted that the inmate continues to want
18 to return to Turkey. That in an interview with
19 his counselor, he stated that he, as a Muslim
20 from Turkey, he would not be safe on parole
21 anywhere in the United States and wishes to
22 return to Turkey." There are no letters of
23 support from any family members or any plans
24 about parole, but there was a letter in the C-
25 File from the consulate of Turkey inquiring as to
26 when this inmate could possibly have a parole
27 date. That's the only correspondence. We did

1 send out 3042 Notices and received a letter from
2 the District Attorney from Marin County, and she
3 is present via phone line. At the appropriate
4 time, she will be given the opportunity to speak.
5 And, with that, unless there's anything that you
6 would like to add?

7 **ATTORNEY FERGUSON:** No. Only inasmuch as
8 the inmate has communicated to me his single-
9 minded focus on returning to Turkey.

10 **DEPUTY COMMISSIONER BLONIEN:** I'll return
11 to the Chair.

12 **PRESIDING COMMISSIONER DAVIS:** All right
13 then. Is there anything, Mr. Ferguson, that you
14 would like to clarify or inquire about at this
15 point?

16 **ATTORNEY FERGUSON:** No.

17 **PRESIDING COMMISSIONER DAVIS:** Does the --
18 before we move on to closing statement, does the
19 District Attorney have anything that you would
20 like to qualify -- or clarify -- or ask questions
21 about?

22 **DEPUTY DISTRICT ATTORNEY MITCHELL:** No.

23 **PRESIDING COMMISSIONER DAVIS:** All right.
24 Very well then. Closing?

25 **ATTORNEY FERGUSON:** Well, I'm a bit
26 hampered inasmuch as the inmate refused to meet--

27 **PRESIDING COMMISSIONER DAVIS:** Oh, I'm

1 sorry. I went to you -- Ms. Mitchell, is -- it
2 is to you for closing.

3 **DEPUTY DISTRICT ATTORNEY MITCHELL:** All
4 right. Thank you very much. I also continue to
5 strongly object to the parole of Mr. Bayramoglu.
6 This was a situation where he murdered his 21-
7 year-old girlfriend because she was attempting to
8 break off their relationship. In essence, his
9 position was, "If I can't have her, then nobody
10 can"; and so he planned to take her life. He
11 lured her to his apartment on the pretext of
12 their having a romantic interlude, and then he
13 shot her multiple times, killing her brutally.
14 Then he made some gestures about taking his own
15 life; of course, he did not take his own life but
16 survived to go to trial and plead his innocence.
17 He was disruptive through the entire court
18 proceedings. At one time, he actually attempted
19 to run from the courtroom; and the record shows
20 that the investigating detective actually had to
21 chase him down and tackle him in order to
22 apprehend him. Very shortly after this crime,
23 Mr. Bayramoglu basically began to take on the
24 position that he, and not Tracy Jones, was
25 actually the victim of these events; and that's
26 pretty much been his attitude to date over the
27 years, as we can see by his denying today to even

1 come before the Board to argue for release back
2 into the community. This crime had a very
3 devastating impact on the victim's family. As I
4 say, she was only 21 years of age. Her family
5 members, I believe, have written letters to the
6 Board stating the impact on the family of the
7 loss of their sister and their relatives. She
8 was much -- very much -- loved within her family.
9 Mr. Bayramoglu, this inmate, over the years has
10 continued to portray himself as the victim. He
11 shows no remorse -- genuine remorse I mean -- or
12 insight into what was it that precipitated this
13 and how society could be assured that something
14 like this could never happen again. He has been
15 disruptive in prison; he has numerous
16 disciplinary actions against him; he has failed
17 to program in any way, shape, or form; and his
18 parole plans are non-existent, really. I do not
19 think that the parole board or any rational body
20 of reviewing the history of this case could
21 assume that Mr. Bayramoglu is, or practically
22 ever will be, suitable for parole. The Marin
23 County District Attorney's Office will continue
24 to follow this case. We are asking that you deny
25 this inmate parole for at least four years. It
26 is unlikely that he will, even in that period of
27 time, become even remotely suitable for release.

1 This is always a very emotional thing for the
2 victim's family to have to gear up for these
3 proceedings. I have been in contact with them,
4 and they continue to follow the course of this
5 case very carefully because of the impact of the
6 loss of their sister. So thank you for the
7 opportunity of letting us enter our argument, but
8 we would strongly urge that you continue to keep
9 this individual locked up so that the community
10 can be safe from him. Thank you very much.

11 **PRESIDING COMMISSIONER DAVIS:** All right.
12 Thank you. Counsel?

13 **ATTORNEY FERGUSON:** Yes, just briefly. In
14 arriving at a decision here today, I would ask
15 the Board to take into consideration the fact
16 that the inmate has been disciplinary free since
17 June of 2002; he has no criminal history apart
18 from the life crime; and with regard to the
19 evaluation of dangerousness, Dr. Carswell had
20 indicated that a significant precursor which
21 would lead to violence for this inmate would be
22 the continued use of alcohol or drugs. I'm not
23 aware of his involvement of either of those
24 matters within custody -- during incarceration, I
25 should say -- and, on that, we would submit.

26 **PRESIDING COMMISSIONER DAVIS:** All right.
27 Thank you. Ms. Mitchell, we do have three

21

1 letters from the victim's next of kin. They are
2 marked as confidential, however, they [inaudible]
3 appear to be.

4 **DEPUTY COMMISSIONER BLONNIEN:** The
5 attachment, the envelopes --

6 **PRESIDING COMMISSIONER DAVIS:** Right.

7 **DEPUTY COMMISSIONER BLONNIEN:** -- are
8 confidential.

9 **PRESIDING COMMISSIONER DAVIS:** Okay. So
10 you're not aware of any reason why those letters
11 would be kept confidential, are you?

12 **DEPUTY DISTRICT ATTORNEY MITCHELL:** No,
13 other than, of course, the -- maybe the contact
14 information --

15 **PRESIDING COMMISSIONER DAVIS:** Yes.

16 **DEPUTY DISTRICT ATTORNEY MITCHELL:** -- of
17 these individuals, their address or anything like
18 that.

19 **PRESIDING COMMISSIONER DAVIS:** Yes,
20 certainly. We will go ahead and read those into
21 the record then at this time. And the first one
22 -- "This is my statement regarding the upcoming
23 parole hearing for Fikri Bayramoglu. On April
24 30th, 2003, [verbatim] Amanda Karen Ausloos, A-u-
25 s-l-o-o-s, was murdered by her estranged
26 boyfriend. Amanda was my stepdaughter. Her
27 boyfriend, after shooting her, successfully

1 murdered -- [inaudible] misprint on this but -- I
2 remember her father and siblings had wished him
3 alive so that -- just one second. Well, I
4 remember her father and siblings had wished him
5 alive so that he could have lived with his guilt
6 and suffering, but after I have been through this
7 before -- on April 17th, 1980, my younger sister,
8 Tracy Lee Jones, was murdered by her estranged
9 boyfriend, Fikri Bayramoglu. The difference is
10 he lived. Not only my life but my entire
11 family's lives have been tortured daily by
12 memories, hopes, and fears. Most memories are
13 good until that day. We had 21 years spent with
14 a loving, caring, soon-to-be productive adult who
15 should have had a chance to be a companion,
16 mother, and mentor and someone we know who would
17 have been a friend to all she knew. These were
18 her hopes and ours. Fikri took so much from all
19 of us. To add to all of this, the fear still
20 persists each day and every day because we have
21 to live with the prospect that Fikri will one day
22 be free. His parole is our nightmare. We are
23 the innocent and decent contributing to working
24 society but suffer with the possibility of those
25 who have committed horrendous crimes to come out
26 of their captivity or their captive environments
27 and release their anger once again. I plead with

1 the courts and parole board or anyone else who
2 cares to listen to see this crime and this man
3 for what he did and who he is and keep him where
4 he belongs. I truly don't know if I could
5 withstand another heartbreak of this kind. It's
6 just so cruel." Signed Dana Kaiser [phonetic],
7 hyphen, Ausloos, A-u-s-l-o-o-s, and dated
8 September 19th, 2006. And then another letter
9 dated September 20th, 2006, from Brandon Harris.
10 "To Whom it May Concern, on April 17th, 1980, a
11 day that I will never forget, my phone call -- or
12 a phone call -- came to our home that unleashed
13 an unspeakable horror and sorrow. I was only 10
14 years old at the time, but I remember it like it
15 was yesterday. My aunt, Tracy Lee Jones, was
16 murdered on this day by Fikri Bayramoglu. My
17 mother, Michele Ann Harris, her name at the time,
18 who had to basically raise her 21-year-old
19 sister, was devastated. At 10 years old, I
20 became aware of how cowardly and cruel people in
21 this world can be. Tracy Lee Jones was not
22 allowed to live out her life, due to the cowardly
23 and callous actions of Fikri Bayramoglu.
24 Releasing this man from prison will cause our
25 family anxiety and fear that we do not deserve.
26 This man made a choice to murder an innocent
27 young lady, and the 26 years of prison -- and 26

1 years of prison -- time does not compensate for
2 the loss he caused so many people. Please do the
3 right thing and keep this man in prison." And
4 then a -- and then later -- and that letter
5 [inaudible] was September 20th, 2006. And
6 finally a letter dated September 18th, 2006, by
7 Mickey Harris, hyphen, Davis. "This is my
8 statement regarding the upcoming parole hearing
9 for Fikri Bayramoglu. On April 17th, 1980, my
10 younger sister was murdered by Fikri. I received
11 a phone call -- the one you hear about other
12 people getting and never think it can happen to
13 you or your family: 'Your sister is dead. She
14 was shot four times.' My mother who was at
15 Stanford Hospital at the time battling cancer.
16 Not only do I have to live with the pain of
17 receiving that call about my baby sister, but I
18 also had to deliver the news to my mother who was
19 lying in a hospital bed. We tried to cope. We
20 had the funeral. We went to work to escape the
21 terrible pain, the pain that still lives today,
22 however, every day in our hearts and minds and in
23 our prayers, the pain that sent me home from work
24 today to try to write this statement just one
25 more time. Every parole hearing brings back the
26 original pain for me as though it happened
27 yesterday. Tracy was kind; she was generous.

1 She wanted to keep Fikri, but he was having a
2 hard time adjusting to life here. He was having
3 a lot of difficulty with the English language, he
4 had difficulty trusting anyone, he allowed my --
5 or followed -- my sister when she went out with
6 her girlfriends and listened to her phone calls.
7 He was so jealous and needy that she finally had
8 enough and moved in with our mother to get
9 herself a job in the [inaudible] industry and
10 made new friends. He kept calling her to come
11 back or at least to come and get her stereo. She
12 finally agreed to come pick up the stereo. That
13 was April 17th, 1980, the day that he planned her
14 death and shot her four times and killed her. My
15 grandmother asked me what Tracy was like, and I -
16 - and I explained that she was kind and generous
17 -- I'm sorry -- my grandchildren asked me what
18 Tracy was like, and I explained that she was kind
19 and generous. They will never have the
20 opportunity to know her, however, because his
21 anger robbed of them -- robbed them of her. We -
22 - my husband, my children, my grandchildren, my
23 sister and her family -- would not feel safe if
24 we -- if he -- were let out of prison. If he
25 obtained an unmarked gun before, he could do it
26 again. Our decisions decide our lives. Fikri
27 made his decision on April 17th, 1980, when he

1 planned my sister's death and robbed us of 21
2 years -- robbed us of a 21-year-old red-haired
3 girl just beginning her life. He needs to think
4 about what he did for the rest of his life in
5 prison where he cannot harm another human being."
6 That, again, is signed by Mickey Harris-Davis.
7 Does that conclude all the letters, to the best
8 of your knowledge,
9 Ms. Mitchell?

10 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Yes,
11 there is a letter from the Marin County District
12 Attorney and then a letter from myself, which I
13 believe you have made reference to already.

14 **PRESIDING COMMISSIONER DAVIS:** Yes,
15 correct.

16 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Okay.
17 That's it.

18 **PRESIDING COMMISSIONER DAVIS:** All right.
19 Officer, I understand that you had direct contact
20 with Mr. Bayramoglu; is that correct?

21 **OFFICER WEIGELT:** Yes, sir.

22 **PRESIDING COMMISSIONER DAVIS:** And that
23 was at the direction of the panel to ensure that
24 he knew his hearing was coming up and that he did
25 have a right to attend it; is that correct?

26 **OFFICER WEIGELT:** Yes, sir.

27 **PRESIDING COMMISSIONER DAVIS:** And also to

1 present him with some paperwork as prepared by
2 his counsel with regard to any possible
3 stipulation; is that correct?

4 **OFFICER WEIGELT:** Yes, sir.

5 **PRESIDING COMMISSIONER DAVIS:** And what
6 was his response to you?

7 **OFFICER WEIGELT:** On both counts, he
8 refused, stating that -- to -- pardon my language
9 -- "Fuck the Board and fuck the hearing."

10 **PRESIDING COMMISSIONER DAVIS:** All right.
11 And you know that -- the -- inmate by sight?

12 **OFFICER WEIGELT:** I know the inmate by
13 sight. I do not work with him on a daily basis,
14 but I know him [inaudible].

15 **PRESIDING COMMISSIONER DAVIS:** But you're
16 sure you were talking to the right person?

17 **OFFICER WEIGELT:** I am positive I was
18 talking to the right person.

19 **PRESIDING COMMISSIONER DAVIS:** You need to
20 identify yourself for the record, please.

21 **OFFICER WEIGELT:** My name is Officer Brian
22 Weigelt, W-e-i-g-e-l-t.

23 **PRESIDING COMMISSIONER DAVIS:** Very well.
24 All right. Was there anything else, Officer?

25 **OFFICER WEIGELT:** No.

26 **PRESIDING COMMISSIONER DAVIS:** All right.
27 Thank you very much. All right, absent anything

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1 else from defense or the prosecution, we will
2 recess for our deliberation. All right, since I-

3 R E C E S S

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER BLONIEN: We are on
4 record.

5 PRESIDING COMMISSIONER DAVIS: All right.
6 Let the record reflect that all those previously
7 identified as being in the room or with us by
8 telephone conference have returned. This is in
9 the matter of Fikri Bayramoglu, and I apparently
10 have been mispronouncing his first name, but I
11 have it spelled phonetically as Fikri, F-i-k-r-i,
12 Bayramoglu; CDC Number C-54604. The panel
13 reviewed all information received from the public
14 and relied on the following circumstances in
15 concluding that the prisoner is not suitable for
16 parole and would pose an unreasonable risk of
17 danger to society or a threat to public safety if
18 released from prison. We've come to this
19 conclusion first by the commitment offense
20 itself. The offense was carried out in an
21 especially cruel and callous manner; the offense
22 was carried out in a calculated manner; and the
23 motive for the crime was inexplicable in relation
24 to the offense. These conclusions are drawn from
25 the Statement of Facts wherein the prisoner, for
26 reasons still best known to himself, armed

27 FIKRI BAYRAMOGLU C-54604 DECISION PAGE 1 10/25/06

1 himself and shot and killed the victim who was
2 not armed and presented no threat to the inmate.
3 With regard to a previous record, we find that he
4 had no prior record -- no prior arrest record.
5 With regard to institutional behavior, we find
6 that he has programmed in a limited manner while
7 incarcerated, failed to develop a marketable
8 skill which could be put to use upon release, not
9 sufficiently participated in self-help, and
10 failed to demonstrate positive evidence of
11 change. His conduct while incarcerated includes
12 six 128(a) counseling chronos, the last of which
13 was in six of '02 -- I'm sorry -- 13 128(a)s, the
14 last of which was in six of 02 -- and 13 serious
15 115 disciplinary reports, the last of which was
16 in -- also in six of '02. With regard to the
17 psychological report dated May of 2002 by Dr.
18 Carswell, the panel finds that it is not
19 supportive of release; and quoting directly from
20 the document under Axis II, "Identifies a
21 Personality Disorder and NOS with Anti-Social
22 Dependent and Grandiose Features"; and under the
23 Review of the Life Crime, again quoting, "When
24 talking about his commitment offense, Inmate
25 Bayramoglu is very illustrative in his
26 psychological process. He does not talk about
27 **FIKRI BAYRAMOGLU C-54604 DECISION PAGE 2 10/25/06**

1 the victim; he talks about himself. He stated,
2 quote, 'I was never a typical criminal. This
3 tragic event happened under the extreme --
4 extremely -- severe psychotic depression that I
5 was suffering. It was so devastating. After she
6 broke up with me, I could not go on. I had
7 nothing to live for. I am so deeply sorry,'
8 closed quotes. The inmate was sorry -- and it
9 goes on -- the inmate was sorry about killing his
10 victim, parenthesis, (his former girlfriend),
11 closed parenthesis; however, as one can also see,
12 he does not assume responsibility, so he is not
13 assuming responsibility in a truly remorseful
14 way. The inmate states that he is sorry about
15 this happening, but he also doesn't see how his
16 behavior or his issues played a part." And then
17 under the Assessment of Dangerousness, second
18 paragraph dedicates [verbatim], "In terms of a
19 risk assessment, things appear to happen around
20 this inmate quite frequently. In other areas of
21 his medical file in other context, this inmate
22 states that he needs to be a single -- or be in a
23 single cell -- because he does not do well living
24 with a cellmate; therefore, there are other areas
25 where the inmate himself states that he is above-
26 average risk for violence." With regard to

1 parole plans, he does not have viable residential
2 plans and does not have acceptable -- does not
3 have employment plans. We would note that he
4 does -- has indicated -- to several people,
5 apparently, and including counsel, that he wishes
6 to return to Turkey; however, he does not have
7 support letters -- to note, that should he want
8 to do that, he would have to -- should he want to
9 transfer his custody to Turkey -- he would have
10 to apply to do so, and he would need to see his
11 counselor to obtain specific information on how
12 that might be accomplished. With regard to the
13 3042 Notices, we note that the District Attorney
14 from Marin County was here in person by
15 representative by telephone conference and does
16 oppose parole. Nevertheless, we do want to
17 commend the inmate for being disciplinary free
18 since his last hearing. However, this positive
19 aspect of his behavior does not outweigh the
20 factors for unsuitability. In a separate
21 decision, the hearing panel finds that the
22 prisoner has been convicted of murder and it is
23 not reasonable to expect that parole would be
24 granted during the next four years. We've come
25 to this conclusion first by the incident offense
26 itself. The inmate -- or the offense -- was

1 carried out in an especially cruel and callous
2 manner; the offense was carried out in a
3 calculated manner; and the motive for the crime
4 was inexplicable in relation to the offense.
5 These conclusions are drawn from the Statement of
6 Facts wherein the prisoner, for reasons still
7 best known to himself, armed himself and shot and
8 killed the victim who was not armed and presented
9 no threat to him. With regard to institutional
10 behavior, we find that he programmed in a limited
11 manner while incarcerated, failed to develop a
12 marketable skill which could be put to use upon
13 release, not sufficiently participated in self-
14 help, and failed to demonstrate any positive
15 change. His conduct while incarcerated includes
16 13 128(a) counseling chronos, the last of which
17 was in six of '02, and 13 serious 115
18 disciplinary reports, the last of which was in
19 six of '02. The psychological report of May 2002
20 by Dr. Carswell -- that's C-a-r-s-w-e-l-l -- was,
21 again, not supportive for all the reasons
22 previously quoted into the record in the first
23 decision. With regard to parole plans, we find
24 that he does not have viable residential plans
25 and does not have employment plans for the United
26 States. Although it is his desire to return to
27 **FIKRI BAYRAMOGLU C-54604 DECISION PAGE 5 10/25/06**

1 Turkey, he does not have support letters or has,
2 apparently, not made any affirmative steps in
3 that regard as well. With regard to the 3042
4 Notices, we note that the District Attorney from
5 Marin County, once again, is here in person by
6 representative by video -- by telephone --
7 conference and does oppose parole. With regard
8 to recommendations, the panel would recommend
9 that he have no more 128s or -- 128(a)s -- or
10 115s; that, as available, he upgrade
11 vocationally; as available, that he participate
12 in self-help; that he develop parole plans; earn
13 positive chronos; and cooperate with clinicians
14 during the upcoming clinical evaluations. And we
15 are going to request a new psychological
16 evaluation be conducted prior to the next
17 hearing. Commissioner, anything you'd like to
18 add?

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1 DEPUTY COMMISSIONER BLONIEN: No. Thank
2 you.

3 PRESIDING COMMISSIONER DAVIS: Therefore,
4 we are adjourned.

5 A D J O U R N M E N T

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23 PAROLE DENIED FOUR YEARS.

24 THIS DECISION WILL BE FINAL ON: February 22, 2007

25 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT
26 DATE, THE DECISION IS MODIFIED.

27 FIKRI BAYRAMOGLU C-54604 DECISION PG 7 10/25/06

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, C. M. LOPEZ, a duly designated transcriber, NORTHERN CALIFORNIA COURT REPORTERS, do hereby declare and certify under penalty of perjury that I have transcribed from electronic audio file and which covers a total of pages numbered 1 through 35, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of FIKRI BAYRAMOGLU, CDC No. C-54604, on OCTOBER 25, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated JANUARY 17, 2007 at Sacramento County, California.



C. M. Lopez, Transcriber
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